

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6382 of 1986

Date of decision: 31-7-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GUJ INSURANCE MEDCAL OFFICERS CLASS II ASSOCIATION

Versus

STATE OF GUJARAT

Appearance:

MR P. C. Kavina for Petitioner

Mr. N. N. Pandya for Respondent No. 1, 2

CORAM : MR. JUSTICE S. K. KESHOTE

Date of decision: 31/07/96

ORAL JUDGEMENT

The learned counsel for the petitioner very fairly conceded that by passage of time most of the grievances made by the petitioner in the petition no more survive. The only contention raised by the learned counsel for the petitioner is that the action of the respondents to make temporary appointment by giving break to the doctors in E.S.I. Scheme on Class II posts is illegal and arbitrary.

2. I have given my thoughtful consideration to the submissions made by the learned counsel for the petitioner. Reply has been filed by respondent No.1. and in para 3 thereof the following statement has been made:

"I say and submit that these posts of the Doctors in ESI Scheme are gazetted posts and are to be filled in regularly through GPSC. However, since the candidates selected through GPSC may not be available, the posts were being filled in initially on adhoc basis by the Director and the Director had power to give the adhoc appointment for one year subject to availability of GPSC candidates and therefore the fresh appointment orders are given which some times takes some time in administrative procedure. However, this grievance of the petitioner association is put to an end by the respondent Government and the Government has issued necessary instructions to solve this grievance. I crave leave to refer to and rely upon the relevant record at the time of hearing."

The counsel for the petitioner contended that though the grievance of the petitioner association is put an end to by the Government, but the copy of the instructions issued to solve this grievance has not been given to the petitioner. In case copy of the necessary instructions issued is given to the petitioner, this grievance will also not survive. The counsel for the respondents has fairly conceded that the respondents will have no objection in giving copy of the instructions reference to which has been made in para 3 of the reply to the petitioner.

3. In the result this special civil application is disposed of with the direction to respondents to give to the petitioner a copy of the instructions issued by the Government for solving the grievance made by the petitioner reference to which is made in para 3 of the reply filed by respondent No.1 within two months from the date of receipt of copy of this order. Rule made absolute to the aforesaid extent. No order as to costs.

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CSM